

U.S.S.N. 09/465,436  
Group Art Unit: 2172

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Midgley, et al.

Serial No.: 09/465,436

Filed: December 16, 1999

For: Systems and Methods for Backing Up  
Data Files

Group Art Unit: 2172

Examiner: Shahid Al Alam

Attorney Docket No.: NTK-005.01

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on September 12, 2002.

  
Kerry N. Richard

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Commissioner for Patents  
Washington, DC 20231

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Dear Sir:

Pursuant to 37 C.F.R. § 1.97, submitted herewith on Form PTO-1449 are documents known to Applicants and/or their Attorney in compliance with the requirements of 37 C.F.R. § 1.56. Copies of these documents are also being submitted herewith.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form 1449.

09/17/2002 BNGUYEN1 00000004 09465436

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This submission does not represent that a search has been made or that no better art exists. Nor does this submission constitute an admission that the cited documents are material or constitute "prior art." If the Examiner applies these documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of said document.

Applicants further reserve the right to take appropriate action to establish the patentability of the claimed subject matter over the listed documents, should the referenced documents be applied against the claims of the present application.

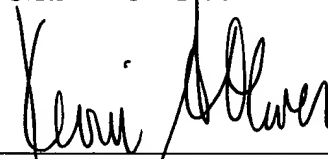
Applicants' Attorney does not believe that any extension of time or any additional fees are required for consideration of this Information Disclosure Statement, beyond those which may otherwise be provided for in accompanying documents. Should any additional extension of time or additional fees be required for timely consideration of this Information Disclosure Statement, however, Applicants' Attorney hereby petitions for same and requests that the extension fee and any other fee required for timely consideration be charged to **Deposit Account No. 06-1448, Reference NTK-005.01.**

Further, Applicants' Attorney hereby authorizes the Commissioner to credit any overpayment to **Deposit Account Number 06-1448, Reference NTK-005.01.**

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Applicants invite the Examiner to contact the Applicants' Attorney if any questions arise concerning this Information Disclosure Statement.

Respectfully submitted,  
FOLEY HOAG LLP



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Reg. No. 42,049  
Attorney for the Applicants

Date: September 12, 2002

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Form PTO-1449

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**  
*(Use several sheets if necessary)*

Docket Number (Optional)  
NTK-005.01 (21653-00501)

Application Number  
09/465,436

Applicant  
Christopher Midgley, et al.

Filing Date  
December 16, 1999

Group Art Unit  
2172

**U.S. PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA	4,751,635	06/14/88	Kret, Michael A.	364	200	04/16/86
AB	5,043,871	08/27/91	Nishigaki et al.	364	200	03/26/87
AC	5,572,709	11/05/96	Fowler et al.	395	500	06/18/93
AD	5,574,898	11/12/96	Leblang et al.	395	601	01/08/93
AE	5,649,200	07/15/97	Leblang et al.	395	703	12/02/96
AF	5,675,802	10/07/97	Allen et al	395	703	03/31/95
AG	5,745,753	04/28/98	Mosher, Jr., Malcolm	395	618	01/24/95
AH	5,754,782	05/19/98	Masada, Debra Nakanishi	395	200.43	12/04/95
AI	5,758,359	05/26/98	Saxon, Paul David	707	204	10/24/96
AJ	5,764,972	06/09/98	Crouse et al	395	601	06/07/95
AK	5,778,395	07/07/98	Whiting et al,	707	204	10/23/95
AL	5,794,563	08/18/98	Klepac, Daniel T.	119	75.91	11/12/96
AM	5,854,754	12/29/98	Cabrera et al.	364	578	02/12/96
AN	5,920,701	07/06/99	Miller et al.	395	200.58	08/28/96

**FOREIGN PATENT DOCUMENTS**

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation YES NO

**OTHER DOCUMENTS**
*(Including Author, Title, Date, Pertinent Pages Etc.)*

EXAMINER		DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Form PTO-1449

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(Use several sheets if necessary)

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NTK-005.01 (21653-00501)Application Number  
09/465,436Applicant  
Christopher Midgley, et al.Filing Date  
December 16, 1999Group Art Unit  
2172**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AO	5,931,947	08/03/99	Burns et al	713	201	09/11/97
AP	5,974,563	10/26/99	Beeler, Jr.	714	5	10/02/98
AQ	5,991,772	11/23/99	Doherty et al.	707	202	10/31/97
AR	5,999,947	12/07/99	Zollinger et al	707	203	05/27/97
AS	6,000,020	12/07/99	Chin et al.	711	162	04/01/97
AT	6,023,709	02/08/00	Anglin et al.	707	204	12/15/97
AU	6,023,710	02/08/00	Steiner, et al	707	204	12/23/97
AV	6,038,665	03/14/00	Bolt et al.	713	176	06/19/98
AW	6,044,367	03/28/00	Wolff, James J	707	2	04/15/98
AX	6,052,695	04/18/00	Abe et al	707	202	02/27/96
AY	6,085,241	07/04/00	Otis	709	223	07/22/98

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

**OTHER DOCUMENTS**

(Including Author, Title, Date, Pertinent Pages Etc.)

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**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AZ 6,088,694	07/11/00	Burns et al.	707	8	03/31/98
	BA 6,185,601	02/06/01	Wolff, James J	709	203	04/15/98
	BB 6,189,016	02/13/01	Cabrera et al	707	203	06/12/98
	BC 6,199,074	03/06/01	Kern et al.	707	204	04/05/99
	BD 6,216,051	04/10/01	Hager et. al.	700	82	05/04/98
	BE 6,233,589	05/15/01	Balcha et al.	707	203	07/31/98
	BF 6,240,527	05/29/01	Schneider et al.	714	21	11/29/99
	BG 6,260,069	07/10/01	Anglin	709	229	02/10/98
	BH 6,269,381	07/31/01	St. Pierre et. al.	707	202	06/30/98
	BI 6,269,431	07/31/01	Dunham, Scott R.	711	162	08/13/98
	BJ US2001/0044910A1	11/22/01	Ricart et al.	714	6	01/29/01

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
	BK WO 98/54662	12/3/98	PCT/US	G06F	17/30		

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**OTHER DOCUMENTS**
*(Including Author, Title, Date, Pertinent Pages Etc.)*

BL	Wolsom, Ouri et al., "Distributed Algorithms For Dynamic Replication of Data", Proceedings of the 11 <sup>th</sup> ACM-SIGMOD- symposium on Principles of Database Systems, June 1992, Pages 149-163

EXAMINER	DATE CONSIDERED
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